

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
JANUARY 26, 2012**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Jeffrey Cohen, Chair; Jeffrey Dearing, Vice Chair; Brian Gildea, Clerk;  
Angelo Colasante; Kenneth Gordon; Carol Amick; Stephen Henning

**ABSENT:** None

Mr. Cohen introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and ZBA assistant introduced themselves.

**PRESENTATION:** Mr. Gildea read the notice of the hearing.

**PETITION #016-12** – Back Bay Sign, for 55 Middlesex Turnpike, seeks a Special Sign Permit per Article 40.5 Section 2(A) of the Sign By-Law to illuminate freestanding sign.

Jason Parillo, the representative for Back Bay Sign, introduced himself and explained that Digital Realty Trust, at 55 Middlesex Turnpike, proposes a satin finish, stainless steel freestanding sign on the property that meets the necessary requirements of the Sign By-Law, in that it is 20 square feet in size and is located five feet from the property line. He said this sign needs a Special Sign Permit because it will be illuminated, and the application packet includes the items required under the Sign By-Law, including an authorization letter from the property owner and a letter from the sign manufacturer stating that the illumination will not exceed 75 foot lamberts. He stated that the manufacturer's specifications were included as well, which show that the illumination itself is a shroud that surrounds the sign with LED lights aimed at it. He added that the lights are at the top and bottom, angled in, so the sign will receive no direct illumination, which will give it a more subtle aesthetic.

The Board members conversed about the difference between lumens and foot lamberts.

Mr. Parillo noted that most of the 55 Middlesex Turnpike building is actually in Billerica, but the sign is clearly in Bedford. There was discussion about the location of the sign and whether the sign will still be five feet from the property line after Middlesex Turnpike is widened. Mr. Parillo said he is almost certain that the plot plan shows the new property line, not the old one.

Mr. Cohen asked whether the illumination will be on a timer. Mr. Parillo replied that it certainly will be on a timer, so that the lighting will be off during the hours of 11:00 PM and 6:00 AM, per the Sign By-Law's requirements. Mr. Cohen asked whether or not the applicant would accept a condition in the motion stating that a timer be required.

Applicant indicated a willingness to accept the condition.

Mr. Gordon asked what the thickness of the sign will be. Mr. Parillo replied that it will be 20 inches wide. Mr. Gordon noted that Article 40.4 Section 3B states that the sign thickness may not be any more than 1 and ½ feet from face to face. Mr. Parillo said that, in his view, the thickness does not include the illumination shroud, so the actual sign thickness shouldn't be any more than 18 inches.

There was further discussion about Article 40.4 Section 3B and the wording of the following language:

*The sign structure and the display area is to be comprised of only one flat face or two parallel flat faces and limited to a thickness of no more than 1 and ½ feet from face to face.*

Mr. Gildea pointed out that Christopher Laskey, the Code Enforcement Director, noted in his synopsis that the sign dimensionally conforms to the Sign By-Law, and the sign is only before the Board for the illumination. Mr. Gildea said that if Mr. Laskey is comfortable with the size, then the Board should be as well. Mr. Cohen agreed, stating that he is comfortable with the size of the sign.

Mr. Cohen opened the hearing to the public. With no one from the public in attendance, Mr. Cohen closed the public hearing.

#### **DELIBERATIONS:**

Mr. Cohen said that the discussion about the width of the sign has been eye-opening, and the By-Law's wording will have to be addressed at a future Sign By-Law Review meeting, but he agreed with Mr. Gildea that Mr. Laskey is fine with the size of the sign, and therefore the issue before the Board is the illumination.

Mr. Cohen said that the two requirements of a Special Sign Permit are that the sign is in keeping with the intent and purpose of the Sign By-Law and it is not detrimental or injurious to the neighborhood, and he feels this sign meets those conditions. He opined that the sign is very handsome and will look attractive.

Mr. Dearing agreed, noting that his only concern is ensuring that the sign will be located five feet from the new property line. Ms. Amick asked whether a condition could be added ensuring that this will be the case. Mr. Gildea said the location is shown on the plot plan, which will be included as an exhibit. Ms. Amick commented that a condition would at least put the Board's concern on paper and make it visible to the tenant. Mr. Cohen said he would support such a condition. The applicant agreed to such condition.

Mr. Gildea said he would vote in favor of this sign. Mr. Colasante said that the By-Law does leave room for interpretation in the matter of the width, but he is comfortable with

the Board's reading of the law to mean that the illumination shroud is not part of the width. He said he supported this application. Mr. Gordon agreed.

**MOTION:**

Mr. Gildea moved to grant Back Bay Sign, for 55 Middlesex Turnpike, a Special Sign Permit per Article 40.5 Section 2(A) of the Sign By-Law to illuminate freestanding sign, subject to the condition that the illumination fixture be on a timer and be off between the hours of 11:00 PM and 6:00 AM, and further subject to the condition that the sign be located no closer than five feet from the new property line as modified by the widening of Middlesex Turnpike, and substantially as shown on Exhibits A through I.

Mr. Dearing seconded the motion.

Voting in favor: Cohen, Dearing, Gildea, Gordon, and Colasante

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Cohen explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision recorded at the Registry of Deeds. Once the decision is recorded, the applicant may apply for a Sign Permit at the Code Enforcement Department.

**BUSINESS MEETING:**

**Sign By-Law Review**

Mr. Cohen said that the first session of the Ad Hoc Sign By-Law Review Committee has taken place; at that meeting, and probably the next two or three, the Committee is examining broad, general issues of the By-Law, without taking into account specifics such as wording, grammar, or semantics. He said that he would like the other ZBA members to read through the Sign By-Law over the next few weeks and have any comments or proposed changes to him by the end of February.

There was further conversation about the Sign By-Law and its potential changes.

**Election of Officers**

Mr. Cohen said that it has been close to exactly two years since the Board elected new officers, and as he will be leaving the ZBA soon, he would like to see an election held in the near future.

Mr. Dearing explained that he has a great deal of responsibilities and commitments in both his personal and professional life, and although he wants to stay on as a ZBA

member, he does not feel that it would be appropriate for him to serve in any of these roles. Mr. Gildea said he would be happy to stay on in his role of Clerk. There was extensive discussion about the duties and responsibilities of the remaining two roles of Chair and Vice Chair, and what members would be most qualified to take these roles.

Mr. Cohen asked whether the other members would be willing to vote on these positions tonight. The members agreed that they would.

**MOTION:**

Mr. Gildea moved to nominate Mr. Colasante as Chair of the Bedford Zoning Board of Appeals.

Mr. Dearing seconded the motion.

Voting in favor: Cohen, Dearing, Gildea, Colasante, Gordon, Amick, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

**MOTION:**

Ms. Amick moved to nominate Mr. Gordon to be Vice Chair of the Bedford Zoning Board of Appeals.

Mr. Gildea seconded the motion.

Voting in favor: Cohen, Dearing, Gildea, Colasante, Gordon, Amick, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

**MOTION:**

Mr. Colasante moved that Mr. Gildea remain Clerk of the Bedford Zoning Board of Appeals.

Ms. Amick seconded the motion.

Voting in favor: Cohen, Dearing, Gildea, Colasante, Gordon, Amick, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

Zoning Board of Appeals  
Minutes of Meeting 1-26-12

Mr. Cohen thanked the other members for their willingness to serve on the Board.

**MOTION:**

Ms. Amick moved to adjourn the meeting.

Mr. Gildea seconded the motion.

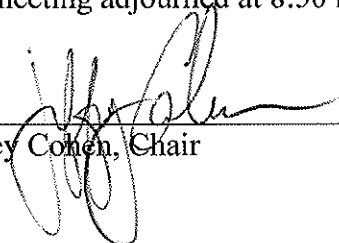
Voting in favor: Cohen, Dearing, Gildea, Colasante, Gordon, Amick, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

The meeting adjourned at 8:50 PM.

  
\_\_\_\_\_  
Jeffrey Cohen, Chair                      2/9/12  
Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant